

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

MICHAEL RAMOS,
Plaintiff,

v.

TOOELE JUVENILE COURTS, et
al.,
Defendants.

Case No. 2:11-CV-151-CW-SA

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

Before the Court is Plaintiff Michael Ramos' motion for appointment of counsel. (Doc. 20.) Mr. Ramos is a *pro se* plaintiff proceeding *in forma pauperis* whose Complaint was filed on February 17, 2011. (Doc. 5.) Because Mr. Ramos is proceeding *pro se*, the Court liberally construes his pleadings; however, Mr. Ramos' *pro se* status does not relieve him of the obligation to comply with procedural rules. See *Murray v. City of Tahlequah*, 312 F.3d 1196, 1199 n.3 (10th Cir. 2002).

A plaintiff in a civil case has no statutory or constitutional right to the appointment of counsel. See *Beaudry v. Corrections Corp. of America*, 331 F.3d 1164, 1169 (10th Cir. 2003), *cert. denied* 540 U.S. 1118 (2004); *Castner v. Colorado Springs Cablevision*, 979 F.2d 1417, 1420 (10th Cir. 1992);

MacCuish v. United States, 844 F.2d 733, 735 (10th Cir. 1988). In considering a motion for appointment of counsel, the Court examines whether a denial of the motion will result in fundamental unfairness implicating due process. See *Parkhurst v. Pittsburgh Paints, Inc.*, 213 Fed. Appx. 747, 748-49 (10th Cir. 2007), cert. denied 128 S. Ct. 162 (2007); *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991).

Having carefully considered Mr. Ramos' motion, **IT IS HEREBY ORDERED** that Mr. Ramos' motion for appointment of counsel (Doc. #20) is **DENIED** at this time. The Court has reached this decision after considering the circumstances of this case, including the merits of Mr. Ramos' claims, the nature and complexity of the factual and legal issues raised in Mr. Ramos' Complaint, and Mr. Ramos' ability to investigate the facts and present his claims. See *Hill v. SmithKline Beecham Corp.*, 393 F.3d 1111, 1115 (10th Cir. 2004); *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995); *Williams*, 926 F.2d at 996. However, if, as the matter

develops, it appears that counsel may be necessary or of special help, the Court will request an attorney to appear pro bono on Mr. Ramos' behalf.

DATED this 9th day of May, 2011.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Samuel Alba', is written above a horizontal line.

SAMUEL ALBA
United States Magistrate Judge